



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,961	11/22/2000	Scott H. Schwartz	HILL-0001	3347

23550 7590 08/24/2004

HOFFMAN WARNICK & D'ALESSANDRO, LLC
3 E-COMM SQUARE
ALBANY, NY 12207

EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,961

Applicant(s)

SCHWARTZ ET AL.

Examiner

Forest Thompson Jr.

Art Unit

3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (See Paper #5). The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.
2. This action is responsive to amendment A filed on 06/11/2004. Applicant amended claims 1, 27, and 35. Claims 1-35 are pending.
3. Claims 1-35 have been examined.

Claim Objections

4. Claim 35 is objected to because of the following informalities: Claim 35 was amended by applicant in the paper filed 06/11/2004. However, claim 11 is marked "(Original)" at line 1. Claim 35 should be changed to read "35. (Amended)" in line 1. Correction is required. Examiner has examined this claim as shown (amended) on applicant's response filed 03/11/2004. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. Claims 1-28, 30, and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Horn et al. (U.S. Patent No. 6,631,356). Applicant's amendment overcame the rejection. Therefore, examiner withdraws the

Art Unit: 3625

rejection, and presents a revised rejection that incorporates additional prior art below.

Claim Rejections - 35 USC § 103

6. Claims 1, 3-28, 30, and 32-35 were rejected under 35 U.S.C. 102(e) as being anticipated by Van Horn et al. (U.S. Patent No. 6,631,356). Applicant's amendment overcame the rejection. Therefore, examiner has revised the rejection as shown below.

7. Claims 2, 29 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Van Horn as applied to claims 1 and 27, and further in view of Official Notice. Applicant's amendment overcame the rejection. Therefore, examiner has revised the rejection as shown below.

8. Claims, 1, 2-28, 30, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Horn e al. (U.S. Patent No. 6,631,356), and further in view of Arnold et al. (U.S. Patent No. 5,987,423).

Prior Art:

Van Horn teaches claimed aspects of applicants' invention pertaining to on-line buying and selling of goods and services. Specifically, Van Horn teaches:

- an online buying group (referred to herein as a "co-op") formed for the specific purpose of purchasing a particular product at by defining a start time,

Art Unit: 3625

end time, critical mass, any minimum number of units offered, any maximum number of units offered, starting price and product cost curve. As data is gathered from buyers, by means of their making binding purchase offers, the co-op is modified using a pricing tool, so as to take into account for this market data in the definition of the price curve. A buyer chooses a product co-op of interest. The buyer is presented with the following essential co-op information: current price, closing time, next price level (as defined by a price curve visibility window and the price curve) sufficient to entice the buyer to make an offer. Once a buyer has made up his mind, the decision must be made to offer a purchase price which includes the current price, guaranteeing availability if critical mass has been achieved, or to make an offer at a lower price range that can be accepted only if the co-op price drops to that level, which may not occur. Given a decision to make an offer at such lower price, the buyer enters such maximum price at which he is willing to purchase the product. Should the current price drop to the level at which the offer was made, the price contingency is removed from such offer and assuming critical mass is achieved, the offer is accepted at the close of the co-op, and processed accordingly. Inventory is allocated to fulfill the accepted offer following the closing of the co-op. (Abstract)

- This invention provides a method and apparatus to globally locate, encourage and enable all buyers wishing to purchase a particular product or service within a given time frame to join forces in a co-op formed specifically to accomplish the desired purchase. The co-op will enable individual buyers to leverage their combined purchasing power to achieve an economic bargain far

Art Unit: 3625

superior to that attainable by any one buyer acting alone. This superior bargain most often will be reflected in terms of a lower price. (col. 1 lines 13-22)

- The invention also provides a method and apparatus that allows each buyer an opportunity to increase the volume of any given co-op in order to further increase group buying power within a co-op. It also includes a mechanism through which buyers can form any number of special interest groups, provide their collective wisdom to dictate which products are featured in future co-ops, or even make a market for a given product or service. (col. 1 lines 23-30)

Arnold teaches an Order Management (OM) mechanism that tracks sales orders received and matches them to warehouse inventory, a Sales Order (SA) mechanism that processes sales orders, and a Purchase Order (PU) mechanism that processes purchase orders. The OM mechanism comprises a category of OOP classes that provide the primary interface between the framework classes and underlying business objects that provide accounting functions and warehouse management interfaces, and the SA and PU mechanisms comprise respective categories of OOP classes that keep track of sales orders received and purchase orders issued. (Abstract)

Van Horn and Arnold are analogous prior art and are both classed in Class 705. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Van Horn and Arnold to teach applicant's instant invention.

Specific teachings of Van Horn and Arnold have been identified for specific claimed aspects in the following paragraphs for completeness.

Art Unit: 3625

Claim 1. Van Horn teaches:

- a processor (col. 6 lines 48-52); and
- a memory (col. 6 lines 48-61), including a program executable by the processor, the program including:
 - an estimator configured to allow user selection of at least one item for creating a cost quote of total price, each item being a member of an item unit with items of a particular kind, the item unit having associated therewith a volume (col. 2 lines 30-36);
 - a unit setting module configured to allow setting membership of at least one item unit with related item units in at least one first group unit, each first group unit having associated therewith a cumulative volume of the at least one item unit therein (fig. 8 [100-118]);
 - a discount rule module configured to allow setting at least one discount threshold for each first group unit, each discount threshold of a first group unit having an associated discounted price given to a user when the discount threshold is met (col. 11 lines 18-21); and
 - a calculator configured to recommend selection of additional volume to attain a next discount threshold (col. 11 lines 38-42).

Van Horn does not explicitly teach each item being a member of an item unit with items of a particular kind, nor a unit setting module configured to allow setting membership of at least one item unit with related item units in at least one first group unit. However, Arnold teaches *Groups contain prices and discounts*

Art Unit: 3625

that can be associated with products, suppliers, and units. It is often desirable to create groups of such associations for more efficient maintenance and access of stock control. In the framework, the Purchase Discount Groups include the Purchase Discount Type class containing group discounts by type, such as volume purchasers. The Purchase Discount groups also include the Supplier Purchase Discount Group class, which collects suppliers for which the same discounts apply, and also includes the Product Purchase Discount Group class, which collects products for which the same discounts apply. The Price and Discount Groups category also includes the Purchase Price Group class, which collects products for which the same prices apply, and references the Purchase Group Units Link class to associate Purchase Prices to the units in which the purchase is made. (col. 18 lines 52-67) Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Van Horn to explicitly teach each item being a member of an item unit with items of a particular kind, and a unit setting module configured to allow setting membership of at least one item unit with related item units in at least one first group unit, as taught by Arnold et al., for the motivation of providing options to potential buyers that accommodate their shopping situations and pricing discounts that encourage buyer participation in group purchases.

Claim: 3. Van Horn does not explicitly teach determining award of an additional discounted price based on achieving a discount threshold in more than one first group unit. However, Van Horn does teach determining award of an

Art Unit: 3625

additional discounted price based on achieving a discount threshold in when a threshold of a price curve is met or surpassed, in the functionality of the disclosure (Abstract): *The criteria that determines the price curve encompasses the goals and expectations of the buyers. As data is gathered from buyers, by means of their making binding purchase offers, the co-op is modified at (108) using a pricing tool, so as to take into account for this market data in the definition of the price curve . . . the offer is accepted at the close of the co-op at (122), and processed accordingly. Inventory is allocated to fulfill the accepted offer at (126) following the closing of the co-op at (124).*

Claim 4. Van Horn teaches the calculator is configured to recommend selection of additional volume when a volume selected is within a discount variance of the next discount threshold (col. 11 lines 38-42).

Claim 5. Van Horn teaches a type of volume is determined by the type of item and is chosen from the group comprising: a monetary amount, weight and quantity (col. 13-14 lines 35-50).

Claim 6. Van Horn teaches each first group unit includes more than one discount threshold (col. 7 lines 3-9).

Claim 7. Van Horn teaches the discount rule module is further configured to allow setting at least one discount threshold for each item unit, each discount threshold for an item unit having an associated discounted price (col. 7 lines 3-9).

Claim 8. Van Horn teaches the calculator is further configured to recommend selection of additional volume to attain a next discount threshold for an item unit (col. 11 lines 38-42).

Art Unit: 3625

Claim 9. Van Horn teaches the calculator is configured to recommend selection of additional volume when a volume selected is within a discount variance of the next discount threshold for the item unit (col. 11 lines 38-42).

Claim 10. Van Horn teaches:

- the unit setting module is further configured to allow setting membership of at least one first group unit into at least one master group unit (Abstract; col. 13 lines 30-35), and
- the discount rule module is further configured to allow setting one of a discount formula and a discount table for each master group unit (col. 7 lines 3-9).

Claim 11. Van Horn teaches the discount rule module is further configured to selectively assign a rank to each discount threshold of each first group unit (Abstract), through the process of defining/applying price curves.

Claim 12. Van Horn teaches the calculator is further configured to determine a discounted price using one of the discount formula and discount table and an achieved rank of at least one first group unit (Abstract), through the process of defining/applying price curves.

Claim 13. Van Horn teaches the one of the discount formula and discount table provide a discounted price based on a highest achieved rank for each first group unit (Abstract), through the process of defining/applying price curves.

Art Unit: 3625

Claim 14. Van Horn teaches a discounted price provided by the one of the discount formula and discount table is provided by assigning a discounted price associated with a rank higher than any achieved rank to each first group unit (Abstract), through the process of defining/applying price curves.

Claim 15. Van Horn teaches a coop module configured to allow creation of a coop of a plurality of users to pool purchases and cumulatively attain a discounted price (Abstract).

Claim 16. Van Horn teaches the discount rule module is further configured to set at least one coop discount threshold for each first group unit and each item unit (Abstract).

Claim 17. Van Horn teaches the calculator is configured to recommend selection of at least one additional item or additional volume to attain a next discount threshold with preference for minimizing the total price of an individual user rather than the coop (col. 11 lines 38-42).

Claim 18. Van Horn teaches the coop module is configured to allow an administrator to set at least one of purchase closing time, pricing structure, maximum discount threshold available and coop membership rules (Abstract).

Claim 19. Claim 19 is a system and contains the same limitations as claim 10; therefore, the same rejection is applied.

Claim 20. Claim 20 is a system and contains the same limitations as claim 11; therefore, the same rejection is applied.

Claim 21. Claim 20 is a system and contains the same limitations as claim 12; therefore, the same rejection is applied.

Art Unit: 3625

Claim 22. Claim 20 is a system and contains the same limitations as claim 13; therefore, the same rejection is applied.

Claim 23. Claim 20 is a system and contains the same limitations as claim 14; therefore, the same rejection is applied.

Claim 24. Van Horn teaches a purchasing module configured to permit a user to make a purchase of the selected at least one item (Abstract).

Claim 25. Claim 25 is a system and contains essentially the same limitations as claim 1; therefore, the same rejection is applied.

Claim 26. Van Horn does not explicitly teach, when an item unit is a member of more than one second group unit, the calculator is further configured to determine an allocation of volume of an item amongst the second group units to achieve a minimized total price. However, Van Horn does teach functionality that encompasses this language in (see col. 11 lines 8-42):

1. The merchandising staff, being generally responsible for product offerings, identifies the product to be featured in co-op at 100. They create a new co-op at 102 using a set of computer programs acting as their data entry tools. Numerous co-ops will be featured simultaneously at any given time. Essential characteristics of the co-op in this preferred implementation are: start time, end time, any minimum number of units offered, any maximum number of units available for sale, starting price, and product cost curve including a price curve visibility window.

Art Unit: 3625

2. *The co-op receives further definition by having its price curve and price curve visibility window defined at 104 using the pricing tool. The defined co-op is then made available at 106.*

3. *As data is gathered from buyers, by means of their making offers, the co-op is modified at 108 using the pricing tool, so as to take into account the market data in the definition of the price curve.*

Co-op Selection

The steps comprising a buyer's selection of a co-op in which to participate, are as follows:

1. *The buyer accesses e-commerce server 38 (FIG. 4) at 110, and is presented a number of co-op choices at 112. How the navigation and presentation of general product information pertaining to the co-op is done' not essential to this invention and is done in a conventional manner known to those skilled in the art. The buyer browses all product co-ops in order to choose a particular co-op of interest at 114.*

2. *The buyer is presented with the following essential co-op information: current price, closing time, next price level (as defined by the price curve visibility window and the price curve), sufficient for the buyer to determine the urgency of an offer.*

Claim 27. Van Horn teaches:

- allowing selection of an item by a user to attain a quote (Abstract);

Art Unit: 3625

- organizing an item available for purchase into an item unit and at least one first group unit that includes one or more items, each item unit and each group unit having associated therewith a volume (Abstract);
- setting at least one discount threshold for each item unit and each first group unit, each discount threshold having an associated discounted price (Abstract);
- calculating when a volume of an item unit is within a discount variance of a next discount threshold for the item unit (Abstract);
- recommending selection of additional volume to attain the next discount threshold for the item unit (col. 11 lines 38-42);
- calculating when a volume of a first group unit is within a discount variance of a next discount threshold for the first group unit (Abstract); and
- recommending selection of additional volume to attain the next discount threshold for the first group unit (col. 11 lines 38-42).

Van Horn does not explicitly teach organizing an item available for purchase into an item unit with other items of a particular kind and at least one first group unit that includes one or more item units where the item units are related, each item unit and each group unit having associated therewith a volume. However, Arnold teaches *Groups contain prices and discounts that can be associated with products, suppliers, and units. It is often desirable to create groups of such associations for more efficient maintenance and access of stock control. In the framework, the Purchase Discount Groups include the Purchase Discount Type class containing group discounts by type, such as volume*

Art Unit: 3625

purchasers. The Purchase Discount groups also include the Supplier Purchase Discount Group class, which collects suppliers for which the same discounts apply, and also includes the Product Purchase Discount Group class, which collects products for which the same discounts apply. The Price and Discount Groups category also includes the Purchase Price Group class, which collects products for which the same prices apply, and references the Purchase Group Units Link class to associate Purchase Prices to the units in which the purchase is made. (col. 18 lines 52-67) This teaching encompasses applicant's claimed aspect. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Van Horn to explicitly organize an item available for purchase into an item unit with other items of a particular kind and at least one first group unit that includes one or more item units where the item units are related, each item unit and each group unit having associated therewith a volume, as taught by Arnold et al., for the motivation of providing options to potential buyers that accommodate their shopping situations and pricing discounts that encourage buyer participation in group purchases.

Claim 28. Van Horn teaches organizing at least one first group unit into at least one master group unit that includes one or more group units (Abstract; col. 13 lines 30-35). Additionally, Arnold teaches organizing at least one first group unit into at least one master group unit that includes one or more group units (col. 11 lines 38-42).

Art Unit: 3625

Claim 30. Van Horn teaches setting at least one discount threshold for each item unit and each first group unit includes setting a discount threshold based on one of a monetary amount, weight and quantity (col. 11 lines 18-21).

Claim 32. Van Horn teaches pooling user purchases into a coop to cumulatively attain a discount threshold (col. 12 lines 1-5).

Claim 33. Van Horn teaches recommending includes recommending a selection with preference for an individual user rather than the coop (col. 11 lines 38-42).

Claim 34. Claim 34 is a system and contains the same limitations as claim 24; therefore, the same rejection is applied.

Claim 35. Van Horn teaches:

- a processor (col. 6 lines 48-52); and
- a memory, including a program executable by the processor (col. 6 lines 48-61), the program including:
 - a) an estimator configured to allow a user to select at least one item to attain a total price quote (col. 2 lines 30-36);
 - b) an administration module configured to allow organization of an item into at least one group unit, each group unit including at least one discount threshold that may be attained by selection of a volume of an item organized therein (fig. 8 [100-118]);
 - c) a discounter including a calculator configured to:
 - i) determine a next discount threshold for each unit (col. 11 lines 18-21); and

Art Unit: 3625

- ii) recommend selection of additional volume to attain a next discount threshold in at least one unit (col. 11 lines 38-42); and
- d) a purchasing module configured to permit a user to make a purchase (Abstract).

Van Horn does not explicitly teach an administration module configured to allow organization of an item into at least one group unit with related items, each group unit including at least one discount threshold that may be attained by selection of a volume of an item organized therein. However, Arnold teaches *Groups contain prices and discounts that can be associated with products, suppliers, and units. It is often desirable to create groups of such associations for more efficient maintenance and access of stock control. In the framework, the Purchase Discount Groups include the Purchase Discount Type class containing group discounts by type, such as volume purchasers. The Purchase Discount groups also include the Supplier Purchase Discount Group class, which collects suppliers for which the same discounts apply, and also includes the Product Purchase Discount Group class, which collects products for which the same discounts apply. The Price and Discount Groups category also includes the Purchase Price Group class, which collects products for which the same prices apply, and references the Purchase Group Units Link class to associate Purchase Prices to the units in which the purchase is made.* (col. 18 lines 52-67)

This teaching encompasses applicant's claimed aspect. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Van Horn to explicitly configure an administration module

Art Unit: 3625

to allow organization of an item into at least one group unit with related items, each group unit including at least one discount threshold that may be attained by selection of a volume of an item organized therein, as taught by Arnold et al., for the motivation of providing pricing discounts to potential buyers that encourage buyer participation in group purchases.

9. Claims 2, 29 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Van Horn and Arnold as applied to claims 1 and 27 above, and further in view of Official Notice.

Claims 2, 31. Neither Van Horn nor Arnold explicitly teaches allocating a volume of an item unit between more than one first group unit to maximize the discounted price. However, Van Horn does teach aggregating offers to buy an item and allocating volume of an item to achieve a minimized total price or maximize the volume sold and the discounted price. Official Notice is taken that sellers will attempt to maximize their profits and sales through various combinations of deals, offers and conditions associated with the items that they are trying to sell. Profits and sales are usually associated with the success of sellers/businesses. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Van Horn and Arnold to explicitly allocate a volume of an item unit between more than one first group unit to achieve a minimized total price or maximize the discounted price,

Art Unit: 3625

as disclosed by old and well known art, for the motivation of calculating discounts for quotes and purchases of items and promoting sales.

Claim 29. Van Horn teaches assigning at least one discount threshold in each first group unit a rank (Abstract). Neither Van Horn nor Arnold explicitly teaches, when the achieved ranks of the first group units of the master group unit meet a standard, providing a discounted price associated with a rank higher than any achieved rank to each first group unit. However, Official Notice is taken that sellers may change standards to achieve increased sales, i.e., applying secondary discounts to lower prices to encourage increased participation by potential buyers and thus increase increased sales volume. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Van Horn and Arnold to explicitly teach, when the achieved ranks of the first group units of the master group unit meet a standard, providing a discounted price associated with a rank higher than any achieved rank to each first group unit, as taught by old and well known art, for the motivation of calculating discounts for quotes or purchases of items that may attract more sales.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 27 and 35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Chelliah et al. (U.s. Patent No. 5,710,887) teaches a system for facilitating commercial transactions, between a plurality of customers and at least one supplier of items over a computer driven network capable of providing communications between the supplier and at least one customer site associated with each customer. Each site includes an associated display and an input device through which the customer can input information into the system. At

Art Unit: 3625

least one supplier is presented on the display for selection by the customer using the input device. Similarly items from a supplier can be displayed for the customer to observe.


- Rubin et al. (U.S. Patent No. 6,078,897) teaches a method and apparatus that accepts a proposed order for products and/or services directed toward a vendor and identifies one or more additional orders that can be combined with the proposed order to obtain a higher volume discount than would be obtained submitting the proposed order by itself. One or more additional orders may contain a quantity of one product available from the vendor that, when combined with the proposed order, will qualify for the next discount higher than would be obtained by the proposed order alone and costs lower than cost of achieving the same discount using another product available from the vendor.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FT 
08/13/2004


Jeffrey A. Smith
Primary Examiner